

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

COMMITTEE ON PROVISION FOR  
THE DELIVERY OF LEGAL SERVICES

Friday, April 14, 2000

10:00 a.m.

Marriott Wardman Park Hotel  
2660 Woodley Road, N.W.  
Washington, D.C. 20008

COMMITTEE MEMBERS PRESENT:

F. William McCalpin  
Maria Luisa Mercado  
Ernestine P. Watlington, Chair  
Douglas S. Eakeley, Ex Officio

BOARD MEMBERS PRESENT:

Edna Fairbanks-Williams  
LaVeeda Morgan Battle

## STAFF AND PUBLIC PRESENT:

John McKay, President  
Victor Fortuno, Vice President for Legal Affairs, General  
Counsel, and Corporate Secretary  
James Hogan, Vice President for Administration  
Mauricio Vivero, Vice President for Government  
Relations & Public Affairs  
Randi Youells, Vice President for Programs  
David Richardson, Treasurer & Comptroller  
Edouard Quatrevaux, Inspector General  
Laurie Tarantowicz, Counsel to the Inspector General  
Mark Freedman, Assistant General Counsel  
Reggie Hailey, Program Counsel, Office of Program Performance  
Leslie Russell, Director, Office of Information Technology  
John Hartingh, Special Assistant to the President  
Shannon "Nikki" Adaway, Sr. Administrative/FOIA Officer  
Ed Berg, Executive Director, Mid Missouri Legal Services  
Danilo Cardona, Director, Office of Compliance & Enforcement  
Michael Genz, Director, Office of Program Performance  
Robert Gross, Program Counsel, Office of Program Performance  
Doug Kays, Program Director, Legal Aid of S.W. Missouri  
Ester Lardent, ABA Pro Bono Committee  
Linda Perle, CLASP  
Glenn Rawden, Program Counsel, Office of Program Performance  
Don Saunders, NLADA  
Cynthia Schneider, Program Counsel,  
Office of Program Performance  
Elizabeth Soto-Seelig, Administrative Officer  
Ann Tu, Program Counsel, Office of Program Performance

## C O N T E N T S

	PAGE
Approval of Agenda	8
Report on State Planning	8
Update on Technology Initiative Grants Process	40
Report on Migrant Legal Services Conference March 19-22, 2000 Boerne, Texas	56

MOTIONS: 8, 77

1 P R O C E E D I N G S

2 CHAIR WATLINGTON: Good morning, everyone.

3 You have to bear with me, I'm very honored  
4 and pleased and humbled to have been given the opportunity by  
5 the president, Doug Eakeley, and the board chairman and the  
6 board to be chair of this Committee on Provision for the  
7 Delivery of Legal Services. I hope that I can do the best  
8 that I can. I know I'll do that, but I hope that will be  
9 satisfactory.

10 Maria and I have named this the client empowerment  
11 area, not Ernestine, just the client part, because I only  
12 represent clients and their voice for the national level. I  
13 can't speak for everybody, but I can give that input where  
14 clients are involved and that's what we want to do because we  
15 can only help them that want to help themselves and that's  
16 the only way true client involvement can be, if we empower  
17 them in order that they can be effective clients.

18 Before we get started here on the agenda, I'd like  
19 to turn it over to the president here, Mr. John McKay. He  
20 had something he'd like to say.

21 MR. MCKAY: Thank you, Madam Chair.

1           On behalf of your staff, we'd like to welcome all  
2 board members back to Washington. I think we will have an  
3 interesting and productive although fairly light meeting.  
4 We're waiting for our board chairman and vice chairman to  
5 arrive.

6           I think that we'll see Doug Eakeley momentarily,  
7 his plane was due about 9:15. And John Erlenborn was driving  
8 up and Mr. McCalpin, one would think, is probably caught in  
9 traffic between here and DuPont Circle, where he normally  
10 stays. So I think you'll see your fellow board members  
11 shortly.

12           I have two quick announcements, if you don't mind.  
13 The first is a little bit of a surprise probably to you, but  
14 we have, as you know, in the last two years conducted two  
15 national conferences on exposed client populations, Native  
16 American and migrant which was just concluded and you'll hear  
17 a report on that this morning.

18           We have also been working on at the staff level a  
19 third conference which we are proposing to be conducted next  
20 year on client participation, which, as you know, is a matter  
21 that was covered in the strategic directions with, I felt,

1 very, very good input from the board and, in particular, our  
2 client members. And we took that call seriously as we have  
3 all of the elements of the strategic directions and we felt  
4 it was appropriate and we're in the very beginning planning  
5 stages, as you know, but, of course, we will look to you and  
6 to Edna Fairbanks-Williams to help us guide that, but the  
7 concept is to have a national conference on client  
8 participation with clients at the conference as we guide the  
9 next part of that participation and, given your comments this  
10 morning, I wanted to announce that publicly, that we are  
11 planning it. The schedule is not set and we will look to you  
12 and Ms. Fairbanks-Williams for additional guidance on that.

13           The second announcement I wanted to make, since one  
14 of your panelists is a subject of the announcement,  
15 yesterday, it was my privilege to give four president's  
16 awards under the new incentive award program and other  
17 managers gave sustained excellence awards to a number of our  
18 employees and I thought I would announce those very quickly  
19 here.

20           The sustained excellence awards were given to Ms.  
21 Nikki Adaway, who is here today, to Yvonne Robertson, to

1 Warren Gibson, Lisa Thomas, Moe Wilson and Kim Heron.

2 The president's awards were given to Tracy Busbee,  
3 to John Hartingh, to David De la Tour and the top award for  
4 the state planning initiative was given to Bob Gross and we  
5 were privileged to give him that award yesterday afternoon.  
6 There were cash awards that were given as part of the plan  
7 approved by the board as well and I wanted to announce that  
8 publicly here and again commend Bob for his leadership on  
9 state planning.

10 Thank you.

11 CHAIR WATLINGTON: Congratulations, Bob. I'm  
12 looking forward to working with you because you do an  
13 excellent job.

14 MR. GROSS: Thank you very much.

15 CHAIR WATLINGTON: And since you're the first on  
16 the agenda, I guess we first have to get approval of the  
17 agenda.

18 Maria?

19 M O T I O N

20 MS. MERCADO: I so move, Madam Chair, and second at  
21 the same time.

1                   CHAIR WATLINGTON: It's been moved and seconded  
2   that the agenda is approved. And I guess it's just you and  
3   I.

4                   MS. MERCADO: Aye.

5                   CHAIR WATLINGTON: It's approved.

6                   And now we'll hear from Bob Gross, the senior  
7   program counsel for state planning, who will provide a brief  
8   report on the corporation's state planning initiative. He  
9   will also report on the service area to be completed for FY  
10  2001.

11                  As you know, the FY 2001 competition formally  
12  begins with the publication in the Federal Register of the  
13  service area grants to be in competition. Publication is  
14  scheduled for April 21st.

15                  Mr. Gross?

16                  MR. GROSS: Thank you. I am obviously honored and  
17  pleased by the award and want to thank John for it. I am  
18  also a little bit embarrassed or uncomfortable because it's  
19  really a group effort. The state planning initiative has  
20  really been about teamwork at LSC and teamwork with partners,  
21  national partners, and in the states. I am pleased to have



1 the award, but I think credit should definitely go to all the  
2 other participants as well.

3 The state planning initiative started under John's  
4 tenure about two years ago in February of 1998. We had a  
5 retreat and we reflected on where we've come and where we're  
6 at and where we're going. And I think we all felt very  
7 energized and pleased in reflecting on what's happened in two  
8 years and I wanted to give you a brief report on that.

9 Approximately one-half of the states seem to be  
10 well on their way in implementing plans that are going to  
11 strengthen services to clients, enhance and increase access  
12 to justice and we are making long-term investments in those  
13 states in the way of three-year funding grants.

14 Many but not all of those states have statewide  
15 programs, some have many basic field programs as New Jersey,  
16 13. In many of those states, we're seeing innovations in  
17 technology and intake systems. Greater resources,  
18 diversified resources, strong training efforts, strong  
19 involvement of the private bar and, in some cases, a longer  
20 history of working together that has enabled the programs and  
21 other stakeholders to move forward.

1           I think of Minnesota where this board will visit in  
2   June as a state where there is a long history of over 20  
3   years of the providers meeting almost on a monthly basis in  
4   collaboration for years and years on trying to increase  
5   access. I think of things that from the beginning of the  
6   creation of the IOLTA program in that state, all the programs  
7   submitted one joint application for funding. Recently, they  
8   received three-quarters of a million dollars of funding for  
9   technology improvement.

10           An indication of what can happen, I think, when  
11   people are pulling together and using their expanded voice to  
12   speak for clients and to speak for what needs to be done to  
13   increase access.

14           About another 10 or 12 states are in an earlier  
15   implementation stage. I think of states like Ohio and  
16   Pennsylvania, regions like the Bay area in California,  
17   Colorado, Nebraska and Nevada, where they have made some  
18   significant changes in the past year or two and they're in  
19   most of those cases going through some restructuring that we  
20   are convinced and they are convinced are going to lead to a  
21   much stronger delivery system.

1           And those states are characterized by that effort  
2   and by other efforts to develop and reinvigorate their  
3   infrastructures, particularly in the areas of training and  
4   technology. And you can see that in those states and you've  
5   heard about this before in Ohio and Pennsylvania, where  
6   together the partners are making large investments in  
7   training and centralized resources for that in connecting all  
8   advocates through technology, trying to use the Internet to  
9   reach out to clients. And those states, I think, are going  
10   to have some very exciting things to report in the coming  
11   years.

12           I was struck at our conference recently by an  
13   advocate in New York state, western New York state, in a  
14   small program, who talked about some of the changes that have  
15   occurred in that state through state planning and one of the  
16   things she spoke of was just the ability -- maybe I'm  
17   stealing some of Glenn's thunder here, but the ability as a  
18   lawyer in a small office in a rural part of the state who had  
19   a question about how to proceed in a case, to send it out on  
20   one of their listserves and to get responses not only from  
21   the experts in their backup centers, but from other lawyers

1 around the state. And that's the kind of connectivity that  
2 did not exist in hardly any places a year ago and is now  
3 becoming a norm in many states.

4           So I think that's an exciting thing that's  
5 happening.

6           There is another group of states, many in the  
7 south, who I think because of scarce resources, are at an  
8 earlier stage in their development. But even here, I think  
9 there are some very significant things happening and I would  
10 just mention a few.

11           In Louisiana, for example, there are eight programs  
12 and they are taking this very seriously and they have hired  
13 some folks, I believe from the university, one of the  
14 universities, to help them evaluate their statewide -- well,  
15 their intake systems, which until now have been eight  
16 separate intake systems, and to try and fashion for  
17 themselves what will work better because I think they see  
18 that eight separate ones doesn't seem to make sense in this  
19 environment.

20           They have also with the help of some technical  
21 assistance from the corporation hired a consultant to help

1    them develop their statewide technology plan and hopefully to  
2    add to some place in that system someone to coordinate their  
3    technology efforts statewide.

4               We were very encouraged in Florida, which is not  
5    one of the lower resource states, but is also engaged in some  
6    serious planning. To hear about how they are trying to take  
7    a fresh view at where they are, they're pretty far along in  
8    their planning but now they are stepping back and looking at  
9    it again. And you'll be pleased that sort of the goal or the  
10   mantra or the value that's governing all their thinking  
11   they've put into a phrase called client centered, energetic,  
12   affirmative advocacy. And it's purposely broad and they're  
13   not trying to pin it down, but it seems to be really  
14   energizing people.

15              I was privileged in Savannah at a meeting to hear  
16    about three programs in a rural and isolated part of the  
17    state who sort of for the first time have joined forces  
18    together and are working together to increase representation  
19    in education law and in housing problems that affect the  
20    region. Prior to this effort, they all went at these issues  
21    alone and, in some cases, not very successfully. And I think

1 they've seen the wisdom of joining forces, keeping it client  
2 centered and trying some energetic, affirmative advocacy to  
3 bring some important changes.

4 MS. FAIRBANKS-WILLIAMS: As long as you're talking  
5 about Florida, could I ask you a question?

6 MR. GROSS: Sure.

7 MS. FAIRBANKS-WILLIAMS: That technology thing that  
8 was going on, I forget the guy's name. He was putting the --

9 MR. GROSS: Steve Hitaf.

10 MS. FAIRBANKS-WILLIAMS: Yes. He was putting them  
11 in the libraries and different places where they would be  
12 accessible. Do you think that's working well?

13 MR. GROSS: I think I'll turn to Glenn and Mike on  
14 this one.

15 MR. GENZ: I believe he's left that program, he's  
16 now in the Washington with the backup center. It's not clear  
17 yet how that project -- I don't believe that project's been  
18 reassigned, but we're certainly very interested in seeing  
19 that it continues.

20 MS. FAIRBANKS-WILLIAMS: I would definitely like to  
21 hear what the report is going to be on being in the libraries

1 and things like that, a lot of client access.

2 MR. GROSS: I think when Glenn talks later you'll  
3 see that there are a lot of very exciting efforts being made  
4 to increase access through technology.

5 I saw a demonstration of their video conferencing  
6 and I'm not sure where it was, but it was on the edge and  
7 good.

8 MR. McKAY: Let me just interject for a quick  
9 moment. I believe the program is continuing and received a  
10 substantial grant from -- I'm not sure what the source was.  
11 Do any of you recall what it was?

12 MR. GENZ: It got funding from --

13 MR. GROSS: A TIAF grant?

14 MR. GENZ: It got funding from both TIAF and the  
15 Open Society.

16 MR. McKAY: So that's Department of Commerce and  
17 the Open Society is continuing to fund them and so I know  
18 that it's continuing forward even though the director has  
19 left. And that's a fairly recent event. So we'll get more  
20 information for you, but we're very interested in it as well.

21 MR. GROSS: Let me just say another group of states

1 in the south that I'm very encouraged about, Alabama -- you  
2 might not have heard this a year ago, but I think we truly  
3 are -- Mississippi, Louisiana, Arkansas.

4           We've made technical assistance grants to those  
5 states for resource development and to build some  
6 partnerships with the private bar. And I think our effort  
7 encouraged the state planning assistance network of NLADA and  
8 the American Bar Association through its Standing Committee  
9 on Legal Aid, SCLAID, to pull together bar leaders and  
10 Supreme Court justices from those states and brought in Texas  
11 also to build upon what we had started and to try and broaden  
12 the support and get those leaders and the programs working  
13 together on resource development.

14           There was a very exciting meeting in New Orleans,  
15 Randi Youells was there, the president of the American Bar  
16 Association was there. And I think as a result we're going  
17 to see stronger partnerships there and I understand in  
18 Mississippi and I think in Alabama there will be a move to  
19 create an access to justice department within the state bar  
20 that will focus members' attention on increasing access  
21 through resource development and greater pro bono activity.



1           And if you look around the country where there are  
2   states that have active access to justice committees or  
3   departments or people in the state bar, resource efforts get  
4   increased and become more successful, there's more pro bono  
5   activity and more clients get served. So I think that was  
6   really an exciting thing that's happened.

7           And so remembering in Alabama, I think their theme  
8   on their statewide campaign now is second to none and we're  
9   going to hold them to that.

10           MS. MORGAN BATTLE: Probably starting with A, the  
11   first letter of the alphabet.

12           MR. GROSS: Start with A, Alabama.

13           MS. MORGAN BATTLE: There you go.

14           MR. GROSS: Let me conclude by saying there was an  
15   equal justice conference in Houston just last week and there  
16   was a session on state planning. And I think it's a measure  
17   of where we've come that it was a very different tone than  
18   many others in the past.

19           Previously, those sessions would be characterized  
20   by lots of questions to LSC. Some were in the variety of  
21   what do you want, what do you really want, why are we doing

1     this. Others were even less friendly, go away.

2                 This was very, very different. This was a session  
3     where there were people from around the country talking  
4     openly about the successes they've had in state planning, as  
5     well as the challenges. And LSC was in the room and it was  
6     much more of a partnership conversation. And I think it said  
7     a lot and I hope that that's a tone that will continue and  
8     we'll be able to build upon that as we go forward.

9                 You suggested after five to seven minutes people  
10    stop listening, but you gave me two topics, so let me turn to  
11    the competition and the service areas that will be  
12    established for that in the coming year.

13                As the chair mentioned, we begin the competitive  
14    bidding process for grants for calendar year 2001, FY 2001,  
15    by first establishing what first service areas will be in  
16    competition. And that process will begin officially with a  
17    publication in the Federal Register.

18                The determination of service areas comes as a  
19    result of lots of effort by LSC staff in the states working  
20    with state planners to try and develop the best delivery  
21    system possible in every state. And one of the questions

1   that has to be asked in each state is what's the structure of  
2   the LSC system, what should it look like, what should the  
3   configuration of service areas be.

4               In many states, we have spent days and, in some  
5   instances, weeks on the ground with programs and with state  
6   planners helping them answer those questions and providing  
7   recommendations to us. And it's a result of that effort and  
8   in some of these states two years of effort that we've come  
9   to the following place with these particular states which are  
10  in competition this coming year.

11              The goldenrod sheet is the one that I'll mainly  
12  talk about. The blue sheet is the summary. The broad view  
13  is that there are basic field service areas in 21 states,  
14  Guam, Puerto Rico, the Virgin Islands and the District of  
15  Columbia who are in competition.

16              Having said I'll mainly follow the goldenrod, let  
17  me direct your attention to the blue sheet. Some of those  
18  service areas are in competition because of quality concerns  
19  in the prior year so that in a sense the state as a whole is  
20  not in competition. Florida, for instance, has many more  
21  programs and service areas than two, but at the bottom of

1    that chart you will see a smaller number of service areas  
2    which will be in competition because of one year or less  
3    funding decisions made last year.

4                   I do want to be clear that in Illinois while there  
5    is a number 2 for the number of service areas currently and 1  
6    in the future and it's in the category of competition because  
7    of quality concerns, there was a quality concern only about  
8    one of those programs and that program has since dissolved  
9    and we have no quality concerns about the other. In fact,  
10   we're quite pleased with the other program.

11                  MR. McCALPIN: Bob, which is the one that  
12   dissolved?

13                  MR. GROSS: Cook County is the process of  
14   dissolving. And the Chicago program kindly agreed to be an  
15   interim provider at the end of last year. There was a  
16   situation that needed to be addressed to assure that services  
17   to clients were continuing and we have seen that it would  
18   make the most sense the coming year to bid that. It's Cook  
19   County/Chicago, two service areas, to combine them.

20                  MS. MORGAN BATTLE: Let me just clarify. This  
21   lists those particular service areas that are going to be in

1 competition. It doesn't list all the service areas in every  
2 state that's listed.

3 MR. GROSS: Correct. At the top, with the  
4 exception of California, all the service areas in those  
5 states are in competition this year.

6 MS. MORGAN BATTLE: Okay.

7 MR. GROSS: At the bottom, only a few of the  
8 service areas in those states are in competition.

9 MS. MORGAN BATTLE: Okay. In other words, the  
10 competitions are not by state all on the same rotation.

11 MR. GROSS: That's correct.

12 MS. MORGAN BATTLE: And the only exception or  
13 issues that you have are quality concerns.

14 MR. GROSS: Yes. They are off-cycle, so to speak.

15 MS. MORGAN BATTLE: So normally, in any particular  
16 state, all of the programs are on the same cycle for  
17 competition.

18 MR. GROSS: With the exception of California  
19 presently, I believe.

20 MS. MORGAN BATTLE: Okay.

21 MR. GROSS: Which took a regional approach to state

1 planning and so we looked at their regions a little bit  
2 differently. But in al the other states, the programs --  
3 well, the service areas and therefore the programs run the  
4 same cycle.

5 MS. MORGAN BATTLE: Okay.

6 MR. GROSS: As you can see from either the blue or  
7 the goldenrod, in many instances the service areas that will  
8 be established and competed are the same. There is no  
9 change.

10 I want to be clear, though, that in some of these  
11 states, both state planners and the corporation are still  
12 working and reviewing the configuration of providers and in  
13 some of those states there are merger discussions amongst  
14 programs that are going on as we speak. And so in future  
15 years, we probably will see some additional changes in many  
16 of the states that currently have the word same next to the  
17 service areas to be competed.

18 MS. FAIRBANKS-WILLIAMS: I just have a question.  
19 It looks like Pennsylvania has a drastic change in the number  
20 of service areas.

21 MR. GROSS: Yes.

1           MS. FAIRBANKS-WILLIAMS: Is that a result of a  
2 consolidation of programs within -- I notice Philadelphia is  
3 a particular area -- or just how did that come about?

4           MR. GROSS: Sure. Pennsylvania, and the chair  
5 knows this well --

6           CHAIR WATLINGTON: I suppose I do. That was a  
7 difficult thing to do.

8           MR. GROSS: A difficult thing to do and they're  
9 still doing it and we should be proud of them for sticking at  
10 it. They have taken a regional approach, an awful lot of  
11 programs, many small, and let's say the northeastern part of  
12 the state there were four smaller programs, so the step one  
13 was to say we're a region. And step two is to merge -- and  
14 this is the Pennsylvania state plan which we support -- is to  
15 merge those four programs.

16           Likewise, there are some programs in the suburbs  
17 around Philadelphia that have decided again in their region  
18 to merge. In the central and south central part of the state  
19 there is a merger of three programs currently in the works  
20 and a fourth to join in at a later date.

21           Pittsburgh, it's a little bit different in

1 Pittsburgh. There are three programs that have been working  
2 together for a number of years in a consortium and they have  
3 wired their offices together, their phone systems are working  
4 together and they're very well integrated. And so the  
5 Pennsylvania state planners suggest that we leave those three  
6 service areas intact and look at that region as an integrated  
7 region and we support that. But there is a significant  
8 change there coming from the Pennsylvania state plan.

9 Virginia is another state --

10 MS. MORGAN BATTLE: So I just want to make sure  
11 that I'm clear. The actual consolidation is consistent with  
12 the plan that was proposed by Pennsylvania.

13 MR. GROSS: Yes.

14 MS. MORGAN BATTLE: So the implementation of that  
15 is consistent with where they are with regard to what's  
16 feasible.

17 MR. GROSS: Yes. Yes. And, actually, this set of  
18 decisions really was made a year ago in Pennsylvania. The  
19 regions were defined and the time -- we've worked very  
20 closely -- this is a state where there has been good  
21 cooperation and we've worked closely with the state funders



1 to make sure that decisions as much as possible could support  
2 each other in terms of their timing. Pennsylvania is on a  
3 different fiscal year than ours. And so we worked so that  
4 the major funders could support the change in the smooth way  
5 that's going on there.

6 MS. MORGAN BATTLE: Okay.

7 MR. GROSS: Okay.

8 MS. FAIRBANKS-WILLIAMS: One question about  
9 Virginia from 12 to 7. There's a mountainous area there. Is  
10 this going to be a lot by phone system or just how are they  
11 consolidating so that they are going to work with clients?

12 MR. GROSS: I don't think the consolidation  
13 necessarily means they have to change how they work with  
14 clients.

15 MS. FAIRBANKS-WILLIAMS: So there will still be  
16 outlying offices?

17 MR. GROSS: There will still be outlying offices.  
18 In none of these consolidations am I aware of any offices  
19 being closed. I think what will happen as a result is they  
20 will utilize their collective resources in a more efficient  
21 and more effective way. In some instances, they are adding

1 capacity through telephone intake systems in many states  
2 around the country.

3 In other states, in Colorado, they decided there  
4 was a need to both create a statewide hotline, for lack of a  
5 better word for now, system, but also direct more resources  
6 in that state to direct representation of clients and they  
7 are examining what is the best office structure to do that.

8 But it's a client centered approach that is key and  
9 it's just different approaches depending on the geography and  
10 location of offices and clients as to how they go about it.

11 So in Virginia, there will likewise be significant  
12 change. They, too, like Pennsylvania have taken a regional  
13 approach. Have recently submitted a plan to us. We have  
14 accepted their plan for the regions that they've described  
15 and they're going to go forward and consolidate in different  
16 parts of the state as described in this goldenrod sheet.

17 MS. MERCADO: I just had a question to ask you. In  
18 your blue sheet, up through Wyoming, those service areas  
19 remain the same. Are they going to be reconfigured at some  
20 point, or is that where they will be from here on out?

21 MR. GROSS: There will be some changes in some, I

1 am certain. And in others, they will likely stay the same.  
2 In a state like Michigan, for example, in the southwestern  
3 portion of the state, there are five programs that have  
4 already been meeting, about three of them in one grouping and  
5 two in another, about mergers of three into one and two into  
6 one. And I'm certain that that is going to occur in the next  
7 year.

8           The state planners in Michigan very much want to  
9 look at that and the methods that they've used to analyze  
10 what is the best configuration in the southwest and look at  
11 that as we've been urging them to do as well in other  
12 portions of Michigan. So that's a state that's going to see  
13 some change.

14           There are others. In the Dakotas, where there are  
15 merger discussions, in one instance, the boards are resolved  
16 to merge, the bar association is actually assisting in  
17 negotiations between the programs, so we're going to see some  
18 changes, but we did not feel that now was the time to change  
19 the service areas, but there will definitely be changes in  
20 the future.

21           Rather than go through each and every one of these,

1 perhaps the best approach is to see if there are other  
2 questions.

3 MS. MERCADO: Well, you know, I'm new on the  
4 committee and I'm sure Dave will tell you this, I like to get  
5 my material ahead of time so that I can read it and have some  
6 better questions for you. Otherwise, I feel like, you know,  
7 my fiduciary obligation as a board member is sort of by the  
8 wayside since I really don't know what's being discussed or  
9 what's being planned.

10 And in order for us to give you some input or some  
11 policy direction, I think it's difficult to do when I get all  
12 the material right now to try and read it while you're  
13 talking and not paying attention and missing out half of what  
14 you've got, so that's just for the future my preference, even  
15 if it's just fax it the day before or whatever else, so I  
16 read it on the plane or whatever else.

17 I understand that you've got a hundred different  
18 things to do and sometimes this may not be done until just  
19 hot off the press before the meeting, but just where I can at  
20 least read it on the plane would be great. Because I sort of  
21 feel a little out of the norm of whatever it is that you're

1 discussing.

2 MR. GROSS: All right.

3 MR. McKAY: May I just comment on that for a  
4 moment, Madam Chair?

5 I appreciate the sentiment and we do try and work  
6 hard to get materials to you in advance. I think in defense  
7 of -- I know they don't need a defense, but let me just say  
8 that part of what's happening here, this is really a briefing  
9 of the committee and of the board.

10 The decisions themselves are pretty controversial,  
11 some of them even though they are parts of state plans  
12 involve decisions that are made here between competing  
13 possibilities or strategies that are discussed out in the  
14 state plans. And so the release of them in advance is  
15 difficult and what we're trying to do is get you briefed at  
16 the front end of the release so that they aren't out in the  
17 field without -- it's kind of a difficult situation when you  
18 make a decision to reconfigure a program, do we tell you as a  
19 board member first or do we tell the program first, and we're  
20 trying to balance those two things.

21 So I apologize that you don't have them and we can

1   probably do better, somehow fax them to you in an embargoed  
2   way and we ought to talk about that some more, but what we're  
3   also trying to do is respect the programs who will get this  
4   information as soon as we go on a public record with you in a  
5   briefing or not.

6               So we apologize and we'll talk with you and the  
7   chair some more about how to do this better in the future.

8               CHAIR WATLINGTON:   Is that --

9               MR. GROSS:   Well, I mean, recognizing that this may  
10   then be new to some other members, we'll just see if there  
11   are any other questions.

12              MS. MORGAN BATTLE:   I guess the one question that's  
13   fundamental, I'm also not on this committee and still not on  
14   this committee, so some of this information is as well new to  
15   me.

16              Just a fundamental question about the development  
17   of state planning and I guess an undergirding policy  
18   consideration is as we look at a way to be more efficient in  
19   this process, are we in looking toward consolidation as one  
20   of the balances to more efficiencies possibly undercutting  
21   the whole possibility for competition because the larger the

1 service areas the more difficult it would ever be for anybody  
2 to come in and be able to effectively compete against a  
3 one-state application?

4 How are those balanced concerns taken into account  
5 in how you look at the configurations and make decisions  
6 about how to do this?

7 MR. GROSS: There are many, many concerns that have  
8 to be taken into account on configuration.

9 MS. MORGAN BATTLE: I understand.

10 MR. GROSS: That is one of them. It's about  
11 efficiency and economies of scale. I think only a little  
12 bit, though, when you look at consolidation. I think it's  
13 more about the commanding voice that the structure can have  
14 for clients and how much of a commanding voice can be brought  
15 to bear for clients will depend on the history in that state,  
16 the strength of the programs and institutions, the connection  
17 with the bar, whether they have a support system, state  
18 support system, whether they're using technology to reach  
19 clients.

20 It's hard when you talk in the abstract like this,  
21 as I know I am, to kind of breathe life and understanding in

1 a real sense to this and that's why each state really is so  
2 different and we spend so much time in each state to try and  
3 understand what is the best configuration.

4 I think it is true, in some instances, we've looked  
5 at size and said, you know, that's maybe too big.

6 MS. MORGAN BATTLE: I just don't see any on this  
7 schedule that are going in the opposite direction. So --

8 MR. GROSS: This is true.

9 MS. MORGAN BATTLE: Okay. So when you have seen  
10 some that you say are too big, what kinds of  
11 considerations --

12 MR. GROSS: Well, no, when we have discussed --  
13 let's say in the Los Angeles area, the best approach to an  
14 integrated system that would have the kind of strength that  
15 we think our clients would benefit from, we examined with  
16 them the possibility of one program which certainly would  
17 have the ability to be highly integrated in a way that is  
18 more of a challenge sometimes for separate entities. And our  
19 conclusion was that that was not the right way to go.

20 In the central valley of California, I think we've  
21 looked at that as a possibility and in other states we've



1 looked at that as a possibility, as have state planners.

2 In Virginia, it was very interesting that their  
3 planning process at one point came down to a large meeting of  
4 planners where they took some votes actually and one of the  
5 votes was on creating a statewide program and it was about  
6 split, so there really wasn't enough to go for that, but  
7 about half of the programs thought that would be the best  
8 route. They ultimately decided and recommended to us a  
9 regional approach with smaller entities but nonetheless  
10 consolidating them would be the best.

11 It is true we have not taken a state and said in  
12 Vermont there ought to be two programs or Washington state  
13 there ought to be four or Alabama there ought to be six.

14 MS. MERCADO: You know, I think part of the  
15 difficulty might be maybe grantees looking at whenever this  
16 information does become public about how the programs  
17 consolidate or don't consolidate, I mean, just looking at the  
18 Los Angeles area where you have currently five programs and  
19 then, you know, you might have a city not quite as large but  
20 close, like the fifth or sixth largest city in the nation,  
21 like San Antonio, that is a one-county program supposedly but

1   it only has one program and not five programs. And so how do  
2   you balance any arguments that some would say, well, you need  
3   to consolidate it with X number of programs? And so the  
4   population numbers don't make sense in the consolidating.

5           MR. GROSS: I think it is so state specific, it is  
6   so -- I mean, you know, we all know that, but the more you do  
7   it, the more you learn how different the states are -- and  
8   within the states, in a large state like California -- and  
9   you just need to work so closely with the state planners to  
10   understand and make decisions when we're called upon to do it  
11   and make judgments for sure, but to spend the time on the  
12   ground understanding each state.

13           And it's going to have a different -- as you can  
14   see, if you look at the configuration of programs and LSC  
15   grants around the country, they're very different. Some,  
16   there are many programs today still, some there is one. In  
17   some instances, there's been a statewide program for years  
18   and years and years.

19           CHAIR WATLINGTON: Well, Bob, I think I can help  
20   you out a little bit in what you're saying. Being a board  
21   member but also an active client in my community in that

1 state planning even before I became a board member, because I  
2 was chair of our state backup center for many years, and I  
3 hope and I think this is the role they played in Pennsylvania  
4 was that the states do the planning and all they do is their  
5 staffers guide them and give advice based on the planning  
6 process that we as the board voted on. And that's why it's  
7 what's best for that state.

8           One of the problems is if they come in and tell  
9 them how they must do it, then that's problems and that's  
10 trouble. So that's why they may come out different in  
11 different ways, is because that's what the state felt with  
12 all of the people, the players in that planning, felt that  
13 this was the best way to service their community. So that's  
14 why they're all different, maybe, because the role that the  
15 staff of Legal Services Corporation did was to guide them  
16 based on the guidelines that the board had set out for the  
17 state planning process. And I hope I've cleared that up.

18           Yes?

19           MR. MCKAY: Madam Chair, on the issue of  
20 competition, I wanted to say that since that was raised, our  
21 staff very much pays close attention to both the statute and

1 the regulation which requires competition. We're very  
2 careful to do that.

3           There has been no discussion at any point in the  
4 state planning initiative with respect to any decrease in  
5 competition caused by state planning decisions and that is  
6 the first time that I have heard that and want to assure you  
7 that we assiduously follow the competition requirements of  
8 the regulation, which require advertisement, et cetera. We  
9 have not had, and the statistics show this, prior to state  
10 planning decisions, we have not had very many live  
11 competitions I think relatively that's a true statement.

12           And I don't think anyone has suggested, and I can  
13 assure you that this has not entered into any of our decision  
14 making, that the fact that we have some larger service areas,  
15 which we are statutorily empowered to determine, has  
16 decreased any of the competitions. And so that has not  
17 entered into our consideration and we will continue to very  
18 aggressively seek applicants for service areas that result.

19           CHAIR WATLINGTON: Are you finished?

20           MS. MORGAN BATTLE: That's good. I think I  
21 understand -- let me just say that what you said did give me

1   some measure of comfort because really if the decisions that  
2   are made or decisions as Bob indicated come from a plan that  
3   has already been proposed by the state, then the state is in  
4   a position to implement that plan because they certainly  
5   wouldn't have made a recommendation if they couldn't  
6   implement it as a blueprint of a way to achieve greater state  
7   planning.

8               So as long as that is the process that undergirds  
9   how this takes place, then it seems to me that that kind of  
10   state by state assessment and involvement of state decision  
11   makers in the planning will assure that the outcome is  
12   something that can be successful for the state because the  
13   state has been at the core of what's been recommended to the  
14   LSC.

15              CHAIR WATLINGTON: Thank you. I hope I did because  
16   being involved, I'm sure they've followed that in other  
17   states and I know Pennsylvania was a difficult state to work  
18   with. They had to get that approved but they worked very  
19   hard in that plan and had been for a couple of years, they  
20   had already started planning.

21              Are you finished here, Bob?

1           MR. GROSS: Yes.

2           CHAIR WATLINGTON: You have to, as I say, bear with  
3 me because this is my first time. I neglected to introduce  
4 the board members, the committee people that are present.  
5 Maria and we now have Bill McCalpin, who is on the committee.

6           We have two other guests, board members LaVeeda  
7 Morgan Battle and Edna Fairbanks-Williams.

8           And our chair, Mr. Doug Eakeley, we are glad that  
9 he has now joined us.

10          MR. EAKELEY: So am I.

11          CHAIR WATLINGTON: And we have some guests, too.  
12 We have two Missouri program directors, Ed Berg and Douglas  
13 Kays, and representatives of SCLAID, Ester Lardent is here,  
14 too, and I would thank you for your presence here and I'm  
15 sorry that I neglected to do that first.

16          And also a writing that Randi has done, "Ten Tenets  
17 of Faith" that I wanted to pass out to this group. It's  
18 really nice.

19          We'll now hear from Glenn Rawden, Program Counsel  
20 for Technology. He would like to bring the board up to date  
21 on the LSC new grant program and what Office of Program

1 Performance is doing to implement the strategic direction on  
2 technology and specifically on new staff, the technology  
3 section of the web site and the statewide technology planning  
4 manual.

5 MR. RAWDEN: Thank you very much. Thank you for  
6 the opportunity to be here.

7 First, I wanted to let you know a couple of the  
8 things that we're doing, the ongoing things that I talked to  
9 you about at the last session, and then cover the grant  
10 program specifically.

11 We do have some new staff people that will be able  
12 to work with us on technology. Tim Watson has recently  
13 joined our staff from the Tennessee Association of Legal  
14 Services. He's going to be another program counsel that's  
15 going to be working with us on the grant program and working  
16 with us on technology issues.

17 We gotten approval to get an intern that's going to  
18 be helping me with the technology section of the recipient  
19 information network. We're going to be using her to develop  
20 materials on what we call the RIN site for our program so  
21 that they will be able to look and see what other programs

1 are doing on technology, find out latest information, really  
2 try to turn our recipient information network into a resource  
3 for our programs on technology. And, of course, we had to  
4 find a young person who knows all about web site design and  
5 everything like that to help us with that and so I'm very  
6 pleased that she's joined us and we're going to be developing  
7 that.

8 I just returned from the Equal Justice conference  
9 in Houston where we had our first conference on case  
10 management software. I know that's not a very exciting issue  
11 to many of you, so I won't spend much time on it, but I was  
12 encouraged because we had almost 100 participants and I  
13 thought that we got very good responses from everyone, that  
14 they thought it was a good program. We covered lots of good  
15 issues. Because as we get into centralized seamless intake  
16 systems, case management software is the heart of all that.

17 When we qualify a client, we need the ability to be  
18 able to do our conflicts checks, to be able to get the  
19 information to be sure that we comply for our CSR  
20 requirements and so we had a nice day and a half long  
21 dialogue on this and the people are very engaged and I'm



1 really excited about that.

2           So there's lots of other things going on, but the  
3 main thing that I came here to talk to you about is our new  
4 grant program.

5           As you know, last year, we received \$4.25 million  
6 for technology grants of new money for our programs. We put  
7 together an advisory group consisting of people from the  
8 programs, not just directors, but also staff members. We  
9 also engaged the state court systems and others throughout  
10 the legal services community in coming with some categories  
11 for these particular grants.

12           We have come up with three different categories of  
13 the grants and what we're trying to achieve with this is, as  
14 we said, more access for clients. The emphasis behind this  
15 money is to help the clients particularly with an increase in  
16 access to our programs and access to client materials over  
17 the web sites and with kiosks and other processes.

18           The first thing that we want to do is to create  
19 some model programs. We've been for quite some time talking  
20 about statewide planning and technology, implementing  
21 seamless intake, better improved intake systems. Right now,

1 we would like to find two or three of our programs that have  
2 made a lot of progress and see if we can move them to a  
3 higher level so that they can actually be a teaching ground  
4 for the rest of our programs or models, if you will, on how  
5 this technology can help the client community.

6 And part of the grant process with this will be  
7 that they will provide a teaching laboratory so that people  
8 from our other programs can come into that state and see how  
9 everything is going to work together.

10 One of the things that we might get resistance  
11 sometimes on technology is but how is this going to help the  
12 client. Well, we want to be able to show how this is helping  
13 the clients so that they we can overcome any resistance to  
14 the programs to invest in technology by showing that it's  
15 really going to benefit the client community. And we hope  
16 that these model states will really help us be able to do  
17 that.

18 Next is we're looking for innovations. Edna  
19 mentioned the project that was done in Florida, Steve Hitaf's  
20 project there in rural Florida. We would like to encourage  
21 more innovations of this type around the legal services

1 program. The biggest obstacle is not that we don't have  
2 creative people that aren't thinking about clients. Their  
3 obstacle has been that they don't have the money to implement  
4 this.

5           So we're devoting over \$1 million of the grants to  
6 innovation projects that can further along these types of  
7 projects.

8           I'm really encouraged that we're going to get lots  
9 of good ideas. I've been hearing from people all over the  
10 country with the different ideas that they have, things like,  
11 as you were talking about, the video cameras expanding that  
12 and putting video cameras in every one of the violence  
13 shelters in this particular state and connecting that with  
14 the court system so that the victim of domestic violence can  
15 actually have a hearing from the shelter with the judge and  
16 if they have a disability such as deafness be hooked up to an  
17 interpreter, all in three different locations all conducting  
18 a hearing at once.

19           Whether that will be one of the ones that we fund  
20 or whether they'll get the proposal in, I don't know, but  
21 these are the types of ideas that we're getting people to

1 think about, that we're stimulating in the community, by  
2 having the money that we have to target for these.

3           We're working very closely, as I said, with the  
4 state court systems because if pro se is going to be  
5 successful, it's going to have to have the backing of the  
6 state court systems. It won't do us any good to put out the  
7 best pleadings out there for our clients if they get to court  
8 and the judge is resistant. So one of the things that we're  
9 really emphasizing for our grants is that they partner with  
10 their state court systems.

11           And we've had meetings with various entities that  
12 coordinate with the state courts to help us get an entre into  
13 the state court system. Dave Tevlin and Roger Warren are  
14 going to try to work with the court systems through the  
15 National Center for the State Courts to be sure that they  
16 have backing for our projects as well as we have backing for  
17 theirs.

18           And the last category that we're going to be  
19 working on is what we call an integration category. For a  
20 long time, we've been asking our programs to do planning on  
21 technology. Well, now we want to reward the ones that have

1   done the planning by helping them move in to integrate some  
2   of these plans. This isn't money to do further planning  
3   with, because we want to reward the programs that have  
4   already done the planning, so that if they have a really good  
5   plan, a good system that they've worked out as part of their  
6   state plan for a seamless, statewide integration of intake  
7   for the clients so it will be a much easier approach, that we  
8   can provide them with some money to go ahead and implement  
9   this.

10           Although we have over \$4 million, in the scheme of  
11   technology, that's not a lot of money. One of the things  
12   that we're really going to be careful about in implementing  
13   our program is to be sure that anything that we develop with  
14   this money is going to be something that will benefit not  
15   only the program or the state in which it's being developed  
16   but our programs in our other states. We call it  
17   replicability.

18           We want to be sure that we can replicate these  
19   without spending that much money in these other states so  
20   that we can multiply this money that we have and I am really  
21   encouraged by what we're going to be able to do with that

1     because we can take \$4 million and maybe turn it into \$20  
2     million in effect for our programs or maybe even more.

3             Another thing that we're encouraging, we're not  
4     requiring matching funds, but we're encouraging that they go  
5     out and seek other funding from the community-based  
6     organizations so that LSC is not funding the entire project.

7     So, again, there might be a \$300,000 project that we would  
8     fund \$150,000 of. Again, the multiplier effect. What we're  
9     saying is we're taking our \$4 million and getting more good  
10    out of it.

11            Last is sustainability. We want to be sure that  
12    when our money is used for this project that even after the  
13    grant term has expired that we'll be able to be assured that  
14    the organization, the community are going to keep this  
15    program sustained and keep it running for the client  
16    community, so that hopefully year from year as we get these  
17    grants this multiplier effect will get even bigger and bigger  
18    because after our funding is over they will be sustaining  
19    these programs on their own.

20            So I am very encouraged. We've already started.  
21    We're doing two rounds. We had an early round that had a

1 deadline on April 6th and we've gotten 10 applications in on  
2 that that we're going to start looking at because these  
3 people already had their projects in place, but we expect a  
4 large round that will be coming in on May 5th.

5 I am going to be doing lots of reading of technical  
6 stuff. I'm sure that if any of you would like to help me  
7 with the reading, I'll be glad to provide you with that  
8 material.

9 I'm just really encouraged by what we're going to  
10 be able to accomplish here with this. I've passed out copies  
11 of our RFP for everyone if they'd like to get more details.  
12 It sets out the three categories. It sets out the criteria  
13 that we're looking for.

14 One of the things that we're really interested in,  
15 you've probably heard about the digital divide. I'm not  
16 going to spend a lot of time on it, but our client community,  
17 if there's anyone that's in the digital divide, it's our  
18 client community. They do not have access to the computers  
19 as much as the general population does.

20 One of the things that we want to be sure on our  
21 projects is to try any of the new technology that we use to

1 be sure it's going to be accessible and available to our  
2 clients, things that we can do to increase our client  
3 community's access to these resources. So I'm very excited  
4 about this.

5 I know that people's eyes tend to glaze over after  
6 about 10 minutes on technology, but I'll be glad to expound  
7 on anything or answer any questions you have about what we're  
8 doing on technology.

9 MR. EAKELEY: That was only 10 minutes?

10 MR. RAWDEN: See? That's what I thought.

11 MS. MERCADO: Glenn, you said that on the early  
12 round, you anticipated not funding more than \$750,000 on that  
13 round. How much were you going to award in your later round?

14 MR. RAWDEN: Well, the balance. We have the \$4.25  
15 million, so we will -- if we do \$500,000 in the early round,  
16 then we have 3.75 left over for the later round.

17 MS. MERCADO: Well, I think I was tallying what we  
18 had and we had \$4 million in expenditures on the innovation  
19 projects, integration projects and the model technology  
20 programs, along with the early rounds that you have. So  
21 that's about \$4 million?



1           MR. RAWDEN: There's \$4.25 million. Right. And  
2 the idea is we wanted to encourage people who had projects  
3 that they've been working on for a long time and were ready  
4 to submit the application to go ahead and get them in to us,  
5 but there are no losers because if they submit in the early  
6 round and we decide to not fund them in the early round, to  
7 see how they compare with the later round, they go into the  
8 later round automatically, so there was no penalty for them  
9 to submit it to us early.

10           That way, we can judge all of -- we're looking for  
11 like a template for statewide web sites and it may be that we  
12 want to put all of those together and judge them in the later  
13 round so we can do that if we want to.

14           MR. EAKELEY: Is the plan to circulate to the field  
15 the proposals that come in so that people can see what others  
16 are working on?

17           MR. RAWDEN: Yes. I talked to several people about  
18 that. We're in the process of trying to scan these and  
19 convert them into PDF files. See, I'll get your eyes to  
20 glaze over yet. But what we wanted to do is at least for the  
21 winning ones, we want to make them available through the web

1 site so people will be able to see and we're going to ask  
2 everyone that submits for their permission because we'd like  
3 to get their permission, but then to put these proposals out  
4 there so that we'll be able to see what kind of projects are  
5 going on because that will stimulate the thought.

6 Plus, in each one of the grants, part of what has  
7 to be done with the grant is how we're going to communicate  
8 the results of this to the rest of the field program, so  
9 built into this in their grant proposal they've got to have a  
10 way to disseminate this information as part of the grant.  
11 And so everything that we learn will be available to every  
12 program that we have through our web site and through -- like  
13 one of the proposals is to make a CD ROM that would contain  
14 everything that was done.

15 Also, another thing is if we develop a product,  
16 like a case management system, we don't want to do that  
17 unless we're either going to, one, own it or, two, have  
18 licensing rights so that our programs, the other programs,  
19 will get the benefit of this without having to pay for it  
20 again.

21 MR. EAKELEY: If they use federal funds to develop

1     it -- well, it doesn't matter. I don't think that they can  
2     copyright it anyway.

3                 CHAIR WATLINGTON: I wanted to make sure that, you  
4     know, in our client community the clients themselves don't  
5     have that much access to your computers and things so in  
6     those innovative proposals, are some of them going to be  
7     looked at how they can make that more available to your  
8     client community?

9                 MR. RAWDEN: Absolutely. That's why we want to see  
10    them in shelters, things like the libraries, the court  
11    systems. We want to see this access at the points that our  
12    clients can get to.

13                One of the things that I expect to see is going to  
14    be in all the senior centers in a particular state because  
15    the senior community doesn't have as much access maybe as  
16    even the rest of our client community. And so if we can  
17    get -- I can't tell you who's going to win yet, but I've  
18    heard about three things --

19                CHAIR WATLINGTON: I just wanted this to be  
20    addressed, you know, looked at more favorably.

21                MR. RAWDEN: Absolutely.

1 CHAIR WATLINGTON: Very strongly.

2 MS. MERCADO: With the advent of trying to use  
3 cable systems to do Internet as opposed to computers, most  
4 everybody has a television at home, I would assume. I mean,  
5 a greater percentage than they do computers. Maybe one of  
6 the avenues that we ought to be looking at is how those kinds  
7 of systems, you know, can be put in that kind of an Internet  
8 system.

9 MR. RAWDEN: Like web TV?

10 MS. MERCADO: Mm-hmm.

11 MR. RAWDEN: Right. That's one of the things that  
12 we're going to be looking at, is to be sure that it's the  
13 most access and web TV would be a very useful way to get this  
14 information out.

15 One thing we want to be sure of is that this is  
16 interactive so that it's not just passively sending something  
17 down like, you know, with the cable access channel, we want  
18 to be sure that the clients are going to be able to get the  
19 information they need out from this.

20 We're even looking at possibilities of some voice  
21 recognition for clients that are not able to manipulate a

1 keyboard or don't understand it, so that may be one of the  
2 things that develops out of this, too, is more access through  
3 voice recognition.

4 I can't tell you what we're going to come up with,  
5 but it's going to -- to me, it's going to be a lot of fun to  
6 find out and I know that we're going to be able to benefit  
7 the client community with this and spread this around so that  
8 it's not just going to benefit one area, but the whole  
9 country.

10 MS. MORGAN BATTLE: It really sounds exciting, the  
11 fact that we have access to these dollars to really be able  
12 to focus in on what it is that we can do in an imaginative  
13 way to enhance the technology ability of our own community.  
14 So I'm real excited about this and I'm looking forward to  
15 seeing what the outcome is going to be.

16 MR. RAWDEN: And these grants are only available in  
17 our program, is the way the legislation is done. This isn't  
18 like competition, so this is one where we can go to our  
19 existing programs and say we have something extra for you,  
20 you know, think of great ways to spend this.

21 CHAIR WATLINGTON: If you're finished with that and

1     there are no more questions, we'd like maybe a five or ten  
2     minute break here before we go into Michael and Cinthya's  
3     presentations.

4                 (A brief recess was taken.)

5                 CHAIR WATLINGTON:  If everyone would take their  
6     seats now, we'd like to get started back again.

7                 Last month, the corporation held a conference on  
8     migrant delivery.  The purpose of the conference was to  
9     review our strategies for serving migrant farm workers and to  
10    improve what we were able to do.

11                Cinthya Schneider, Program Counsel with the Office  
12    of Program Performance, will report to us further about the  
13    conference and its results.

14                MS. SCHNEIDER:  Thanks, Edna.

15                Well, as Edna said, we did have this conference  
16    last month.  It was a two and a half day event in the hill  
17    country of Texas.  It was held from March 19th to the 22nd.

18                From the corporation, we were happy to have Edna  
19    Fairbanks-Williams attend who represented the board and we  
20    had a number of LSC staff there, including John McKay and  
21    Randi Youells, plus people from the OPP staff.

1           Right now, we fund migrant programs in all the  
2   states except Alaska and we fund a migrant program in Puerto  
3   Rico. We had 38 of those states and Puerto Rico represented  
4   at the conference. Some additional states were invited, but  
5   were not able to attend.

6           We had folks there from the migrant programs  
7   themselves, experienced migrant staff. We had program  
8   directors there from the basic field programs. We were  
9   fortunate to have Don Saunders and Ellen Houseman from NLADA  
10   and CLASP and we had some people from the unrestricted  
11   migrant programs attend. Many of those paid their own  
12   expenses. For all of the LSC attendees or the vast majority  
13   of them, LSC paid for part or all of their expenses in  
14   attending the conference.

15           As mentioned, we do make these grants to 50 states  
16   and we have funded specialized migrant grants for quite a  
17   number of years. Because of the special nature of migrant  
18   farm worker law, it is a very unique practice of law. The  
19   issues are very different and because of the nature of  
20   migrant farm work, you need a special group of people  
21   delivering legal services to this client community.

1           We at the corporation had looked at how we were  
2   making these grants and our grant size range from the  
3   smallest grant is \$1500 to Rhode Island to over \$2 million  
4   going to California.

5           Many of the grants, like I think 38 of them, are  
6   for under \$60,000. Twenty-seven are for under \$30,000. And  
7   it struck us just looking at the grant amounts and looking at  
8   the case service statistics that we got from the migrant  
9   programs that what can you do with \$30,000 in delivering the  
10  specialized nature of legal work to migrant farm workers in  
11  that state?

12           So that's why, as Edna reported, we held this  
13  conference, to bring everyone together to examine the migrant  
14  delivery system and to learn more from what's going on out  
15  there in the states in terms of migrant delivery, to share  
16  ideas that the programs have on facing the challenges on  
17  migrant delivery, and to help LSC come up and make some  
18  policy decisions on how we were going to continue to  
19  structured the migrant delivery system.

20           And I think from LSC's perspective, people who  
21  attended, and even from the conference participants'



1 perspective, everyone was very pleased by the results. We  
2 had two and a half days of very good discussion.

3           There were panel presentations beginning with a  
4 presentation based on a paper that was written by people in  
5 the field on whether there still is a need for specialized  
6 programs serving migrants and the conclusion there was  
7 definitely there is a need for this.

8           We looked at what is the nature of migrant work,  
9 what should these programs be doing. We had a panel  
10 presentation by several states on how some states are already  
11 partnering in delivering services where, for example, for a  
12 number of years Minnesota applies for the migrant grant from  
13 North Dakota and they deliver services in both Minnesota and  
14 North Dakota.

15           Some states operate under a subgrant system. For  
16 example, the State of Texas receives a subgrant from the  
17 State of Kentucky, so Texas helps Kentucky deliver migrant  
18 legal services in the State of Kentucky.

19           So we had this presentation on what's happening in  
20 some parts of the country and this all built up to at the  
21 conference on Tuesday afternoon to a discussion on, well,

1     what do we need to deliver effective migrant services, what  
2     are the core components of a migrant delivery system.

3                 We again had a presentation on that and then later  
4     we had a presentation by Luise Haramelo on standards of  
5     performance for migrant programs and a presentation by Ellen  
6     Houseman on what are some core capacities that migrant  
7     programs should have to be effective.

8                 The entire conference -- then we broke into regions  
9     to continue those discussions. LSC staff graciously agreed  
10    to facilitate those regional discussions. And what came out  
11    of it was a lot of energy, a lot of ideas and commitments on  
12    how states were going to improve their delivery system by  
13    partnering with others and so that if they were a small state  
14    they could achieve these core capacities through partnering  
15    with their neighbors or even with the bigger states,  
16    California or with Texas.

17                Following the conference, what we intend to do at  
18    LSC is to keep this momentum that was gained at the  
19    conference, keep that growing, so there will be follow-up  
20    work with individual states to see that they are definitely  
21    committed to this partnering.

1           We will not be changing any migrant service areas  
2   for 2001 with the exception of New England. The New England  
3   states felt that they were ready to change their service area  
4   and six states have agreed -- they want to be put up for  
5   competition as one service area and the State of Maine, Pine  
6   Tree Legal Assistance, will be applying for the grant and  
7   will be taking the lead in delivering service in those six  
8   states, in the six New England states.

9           We also plan in the very near future, hopefully  
10   I'll get a draft done this afternoon, to distribute to all  
11   the states a program letter, just again renewing LSC's  
12   commitment to migrant delivery and to underscore some of the  
13   points made at the conference.

14           So, again, overall, we came away pretty pleased  
15   with how things went and think that we are moving and the  
16   migrant programs are moving in the right direction on how to  
17   strengthen their delivery systems.

18           CHAIR WATLINGTON: Were you able to have migrant  
19   workers there themselves?

20           MS. SCHNEIDER: No, we did not and that was -- we  
21   did that on purpose. We felt that at this point in time that

1 the focus would be solely on the people who do the work  
2 because we were looking at delivery from our end of it. The  
3 migrant advocates who were invited from the migrant programs  
4 were very experienced people who have been doing this for  
5 years, so I hoped that because of their knowledge of the  
6 migrant community in the states that they would bring in the  
7 clients' perspective.

8 CHAIR WATLINGTON: I guess everyone has their  
9 opinion.

10 MS. SCHNEIDER: Yes.

11 MS. MERCADO: Just to follow up on your question,  
12 Ernestine, perhaps in the conference that President McKay  
13 talked about, the client services conference, that there be  
14 an effort to make sure that you have the special populations  
15 represented, Native American and migrant services, and please  
16 recall that particularly in the migrant services you're going  
17 to need bilingual interpreters in the conference and I know  
18 we've done that in the past in some different kinds of  
19 conferences.

20 The other point that I was going to ask Cindy is  
21 will there be some kind of a summary or recommendations from

1 the conference as to some of the different strategies that  
2 they discussed and that they're proposing to do for the  
3 delivery of migrant services?

4 MS. SCHNEIDER: I think the program letter will  
5 address that, an overview of what was proposed and some  
6 possibilities.

7 CHAIR WATLINGTON: Do legal services actually fund  
8 migrant programs now?

9 MS. SCHNEIDER: Yes. We continue to make grants  
10 specifically for the delivery of services to migrants. Even  
11 though these are separate grants, the funding of it actually  
12 is basic field program funding, since Congress no longer  
13 appropriates a separate line item for migrant delivery.

14 CHAIR WATLINGTON: So the staff of those programs  
15 where legal services no longer fund were at this conference,  
16 too?

17 MS. SCHNEIDER: Both people were. LSC continues to  
18 fund migrant programs in all the states except Hawaii and  
19 Puerto Rico. Some states have seen the need and have come up  
20 with the money to fund separate other programs to deliver  
21 services to migrant farm workers in conjunction with the LSC

1 funded program. For example, the best example is what  
2 happened in Washington state. They have both the LSC funded  
3 component for migrant farm workers and then a non-LSC funded  
4 component for migrant farm workers because the need for  
5 services to migrants is so great and the LSC part of the  
6 program was clearly not meeting the need because of lack of  
7 resources.

8 CHAIR WATLINGTON: The reason I was concerned is  
9 because I know Pennsylvania farm workers, I was on the IOLTA  
10 board, and that's where their funds come, what they had to  
11 do. And I don't know if the Philadelphia program funds that.

12 MS. SCHNEIDER: Yes.

13 CHAIR WATLINGTON: It does?

14 MS. SCHNEIDER: In Pennsylvania, there is both the  
15 LSC-funded program and the grant is made to Philadelphia  
16 Legal Services and then Friends of Farm Workers --

17 CHAIR WATLINGTON: Is the other program.

18 MS. SCHNEIDER: -- in Pennsylvania is the non-LSC  
19 funded program and it's funded primarily through IOLTA,  
20 Pennsylvania IOLTA funds.

21 MR. McCALPIN: Are all migrant workers engaged in

1 the agriculture industry or are there any migrants in any  
2 other pursuits?

3 MS. SCHNEIDER: That's an excellent question  
4 because that was one of the hot topics at the conference.

5 We say migrant farm workers, so farm, you think of  
6 agriculture, but what has happened over the years, the  
7 changing nature of migrancy, is that the poultry industry is  
8 an example, the chicken slaughtering plants that now even  
9 though the work goes on year round, the nature of it, these  
10 are migrants. These are people who come in, they work for a  
11 while, they leave. The same phenomenon is happening in the  
12 meat packing industry, in those parts of the country, in the  
13 midwest. Also, the fishing industry is another one that  
14 there are migrant patterns. So that was an issue of  
15 discussion.

16 MR. McCALPIN: Are our programs addressing those  
17 migrants as well?

18 MS. SCHNEIDER: Some of the migrant farm worker  
19 programs are. They have been representing particularly  
20 persons in the poultry industry. Other parts of the country,  
21 it's the basic field program that would represent those

1 individuals in other industries. But we discussed at the  
2 conference whether LSC should come up with a definition of  
3 migrant and that's still under discussion.

4 MS. FAIRBANKS-WILLIAMS: I should say that while I  
5 was at the conference there was a discussion about them  
6 bringing in workers for McDonald's to serve in the kitchens  
7 and so on. I thought it was going to be something in the  
8 future. I went home to my low income advocacy group and was  
9 discussing it because we're on the fast track to have people  
10 off from welfare and they're very hard on welfare  
11 participants. The day after we had our meeting in  
12 Manchester, Vermont, they brought in five people to work in  
13 that McDonald's and laid off five Vermonters. So they are  
14 doing it in restaurants and things like that, in the food  
15 chain places.

16 MR. McCALPIN: Are they going to be migrants or are  
17 they going to stay?

18 MS. FAIRBANKS-WILLIAMS: Well, we don't know. We  
19 don't know. I assume that they're probably going to stay  
20 after they're here for their period of time.

21 MS. SCHNEIDER: Yes. I think what Edna is



1 referring to are the foreign workers. Remember, though, work  
2 of the Erlenborn Commission, one of the primary focuses was  
3 the H-2(a) workers which are foreign agricultural workers.  
4 Well, the government gives all these other visas when there  
5 is a labor shortage in a particular area to bring in foreign  
6 workers to work in a particular area and I think what Edna is  
7 referring to is foreign workers coming in to take these jobs  
8 when there is an alleged shortage. But right now, migrant  
9 programs can only represent the H-2(a) workers, those folks  
10 with that visa, on issues pertaining to their work.

11 CHAIR WATLINGTON: Are there any more questions?

12 (No response.)

13 Thank you for that briefing on that conference.

14 Mike Genz, we'd like to hear from you, if you can  
15 add to that. We'll hear some words from you.

16 MR. GENZ: Thank you, Madam Chair.

17 Good morning. We are honored to have this  
18 opportunity to today to talk about some of the work that  
19 we're doing in the Office of Program Performance with  
20 considerable support from all the corporation.

21 As I think you can tell, we're excited by what it

1 is that we're doing and we're committed to it. I trust that  
2 you can hear in what we've talked about today and several  
3 other things the drumbeat of your strategic directions. That  
4 is our guideline for what we're doing and that's our  
5 motivation, that we want to make sure of the highest quality  
6 representation, we want to move on everything that we're  
7 doing to make sure that everyone is represented.

8           We've talked about these things separately and we  
9 talk about other categories that we do of our work,  
10 competitive, Native American, the intake system, but what I  
11 just want to say today is that we're very careful -- while we  
12 box it for presentations, we work very hard to make sure that  
13 we're working together because it's all part of a large -- of  
14 our state planning initiative that when Glenn is working with  
15 states on technology, that he's working with the state  
16 responsible person, that when Cindy is working on migrant  
17 programs that that's also coordinated with our state planning  
18 and that we're encouraging all these people in these  
19 different areas to be involved in state planning, competition  
20 and state planning. I know you've heard about how we're  
21 careful to work with those together. So, again, thank you

1 for this opportunity.

2 CHAIR WATLINGTON: Thank you.

3 MS. MERCADO: I do want to say I received the paper  
4 that was prepared before the migrant conference and the  
5 agenda and it really looked like it had some highly qualified  
6 people that were doing the presentations. Unfortunately, I  
7 was in the middle of my broken self here, with a cast and  
8 everything, and even though LSC staff was very generous about  
9 they would pick me up from the airport, I could not impose on  
10 them to help me take a shower, so I had to stay home. I  
11 figured that was just a little too much effort.

12 So I really hated to miss it, but it looked, you  
13 know, from all the presenters that you had and the paper that  
14 we had ahead of time -- that's why I asked about whether  
15 there was a summary of recommendations because I was real  
16 interested to see what information they came up with and what  
17 are the strategies. But definitely the whole issue of making  
18 some of these states sort of regional states, if you will, to  
19 present people that are more experienced in litigating those  
20 issues and representing that client community makes better  
21 sense and I'm glad that some of the states are starting to do

1     that.

2                   MR. MCKAY:  Thank you, Maria.  I think one of the  
3     best dynamics of that conference was simply the fact of  
4     bringing so many people together who have been split up  
5     without resource centers and other structures that used to be  
6     in place and I think a lot of the subtext of the discussion  
7     was just to bring together people who had been doing this  
8     work for so long.  And from not quite the client perspective,  
9     but pretty close, were the paralegal outreach workers from,  
10    in particular, TRLA who were there who I view as being part  
11    of the client community for migrants and had a very, very  
12    active role at the conference.

13                   I thought the fact of bringing these people together  
14    was really terrific and I want to commend our staff and in  
15    particular Cinthya Schneider who has a background herself  
16    and we consider her an expert on migrant representation  
17    internally at LSC, Lou Castro and others who did a terrific  
18    job, Mike Genz, excellent work, very hard, the logistics, but  
19    the quality of the discussion I thought was excellent and I  
20    was privileged to be there as well.

21                   MR. EAKELEY:  We had a similar reaction, I think,

1 to the Native American conference last year, I hope there  
2 will be one to the client service conference next year, but  
3 does that suggest that we ought to think about  
4 institutionalizing these types of convenings and allocating  
5 resources so that there is a planning process that has a well  
6 defined start and finish horizon?

7 I don't want to overtax staff, but we anticipate  
8 that there is this need to convene, maybe we can do it on a  
9 cycle so that every year there is one such event going  
10 forward. It just seems to me that it might well be  
11 worthwhile.

12 MR. MCKAY: I think you're getting nods all around,  
13 Mr. Chairman. I think that's right. And a lot of folks were  
14 discussing that. We, of course, used management funds to  
15 make this conference happen and I could just consider it a  
16 first step and I think we look to other members of our  
17 community who participated in the conference to get their  
18 input on that as well.

19 Where are these centers going to come from?  
20 Centers, I mean that in the sense of convening, whether  
21 through technology or in person, to share knowledge and

1 information and try and get some of these important issues,  
2 some of which Edna was mentioning out? Because some are  
3 simply disconnected from others.

4 And I do think -- my hope is that through the  
5 community, whether it's LSC or not, that we find a way to  
6 continue this process and I think we will.

7 MS. MERCADO: And, Mr. President, I think that one  
8 of the issues that this board and LSC ought to revisit -- I  
9 know it's a hot potato, but everything in state planning, in  
10 these conferences that we've been to, keep going back to you  
11 need some centralized center of expert people in that field  
12 that are going to be doing that work.

13 Now, nobody wants backup centers. They don't want  
14 to call them that. I don't care what you call them. The  
15 fact is in order for our attorneys and our paralegals and  
16 people around the community to deliver better legal services  
17 to our client community, we need that kind of expertise and  
18 we need to revisit it in a different way. You know, whatever  
19 horror stories it is that they bring up from 20 years ago or  
20 whatever have to go by the wayside and look at the day-to-day  
21 reality of those states that only receive \$1500 or \$30,000 or

1   \$10,000 for services can offer, whether it's Native American  
2   or migrant or just regular, everyday, legal services.

3               MR. McKAY: Well, maybe Cindy could comment on some  
4   of the other resource providers that were there. That was  
5   definitely a matter of great discussion at the conference,  
6   how to create that capacity.

7               MS. SCHNEIDER: Actually, one of the better things  
8   that came out of the conference that LSC only served as a  
9   catalyst of and that was one evening the programs got  
10  together or the participants on their own to discuss the need  
11  for a national migrant training event. And since this  
12  conference was the first time that the migrant programs got  
13  together in over four or five years, they came up with a plan  
14  to do some national training that they're intending to do in  
15  conjunction with the NLADA conference this year which will be  
16  held in Washington.

17              And at the conference, our conference in Texas, the  
18  two national migrant advocacy groups, the Migrant Legal  
19  Action Program, which was the program that I formerly worked  
20  for, and the Farm Worker Justice Fund, someone from those  
21  organizations were in attendance.

1                   CHAIR WATLINGTON: Don Saunders from NLADA is in  
2 the back. It seems he wanted to add something to this.

3                   MR. SAUNDERS: Just very briefly, Madam Chair.  
4 It's certainly an honor to address you as such.

5                   I'm Don Saunders of NLADA. I was really privileged  
6 to be at both the Native American and migrant conferences and  
7 would certainly underscore the importance of the corporation  
8 taking the initiative.

9                   We were very pleased to work with your staff in  
10 following that up and I'm happy to announce that because of  
11 the initiative we will be having a Native American track at  
12 the Substantive Law Conference this year for the first time,  
13 that it really generated out of your initiative and we're  
14 very excited about working with NARF and NALS and others to  
15 follow up there and, as Cindy suggested, the same thing is  
16 happening to migrant follow-up in terms of working with your  
17 staff and others in the community to figure out a way to move  
18 forward.

19                   So it's certainly a wonderful partnership and I  
20 think your initiative has really paid off in recreating  
21 networks in communities that are in desperate need of those.



1                   CHAIR WATLINGTON: Thank you.

2                   MR. RAWDEN: I also wanted to say that addressing  
3 Maria's question, one of the grant proposals we've already  
4 received is to put together a network of all the migrant  
5 programs in the country to share resources so that instead of  
6 being isolated programs that they all can work together and  
7 when one has a question about an issue, they can quickly send  
8 out an e-mail to everyone and get responses and maybe what we  
9 can't do with the backup centers we can start doing with  
10 technology to bring these communities together because now  
11 with the current technology that we have, it's very easy for  
12 everyone to be connected all the time for all the different  
13 programs and so we're going to see more and more proposals  
14 like that to start augmenting. What used to be done with the  
15 backup centers can now be done with technology and using  
16 these types of networks. Like I said, we've already got one  
17 proposal on the migrants that has come in for that.

18                   CHAIR WATLINGTON: Thank you. That's good to hear.  
19 I have always been a strong advocate for backup centers  
20 because in Pennsylvania, I was on the committee that started  
21 the state one there because we have a lot of little small

1 programs that don't have access to the other information and  
2 in order to serve the whole client community, they needed  
3 that, so they needed somewhere they could get that sources,  
4 so as Maria said, making that resource available to all  
5 programs is very essential. And they've lost that national  
6 type of help that they need.

7 Thank you very much for your presentation.

8 Next we have on the agenda is there any new or old  
9 business to consider -- no one has anything to say.

10 Does anyone in the public want to comment?

11 (No response.)

12 CHAIR WATLINGTON: If not --

13 M O T I O N

14 MS. MERCADO: I move that we adjourn, Madam Chair.

15 CHAIR WATLINGTON: Second --

16 MS. MERCADO: Second and I'll say aye.

17 CHAIR WATLINGTON: Thank you very much.

18 The only thing I want to say, I am going to really  
19 try with all the resources available to get true client  
20 involvement so that the clients can be empowered to help  
21 themselves. I appreciate the staff and I know the help from

1    them has been tremendous and will be and I'm grateful.  Thank  
2    you.

3                   (Whereupon, at 11:42 a.m., the committee meeting  
4    was adjourned.)

5                                   \* \* \* \* \*